

The Montana Constitution Article 4 Section 3 states: the Legislature SHALL insure the purity of elections and guard against the abuses of the electoral process.

MCA 13-1-109 Unless specifically provided otherwise, all records pertaining to elector registration and elections are public records. They shall be open for inspection during regular office hours.

# Election Special Committee

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Public Comment submitted by  
Mary Beveridge  
December 6, 2021

## **Election Special Committee Scope and Review**

Election Integrity isn't an issue that just materialized, it has metastasized over many years due to the fear of political optics. Since the issue now has a national focus, the citizens are finally being heard, the Montana legislative body is ready to listen. Although this request for a Special Election Committee, is limited by time and money, this is a first step in shedding light on the election issues and statutes in Montana.

This past election an executive order allowed all mail in ballots for the federal election in violation of state law MCA 13-19-104 and pre-empting the legislature's Constitutional responsibility for the administration of elections. After the Mail-In Ballot Executive Order, an infusion of money from Mark Zuckerberg (CTCL) was accepted by a majority of counties in Montana. *In exchange for the money, elections divisions agreed to conduct their elections according to conditions set out by the CTCL, a training center for progressive groups and Democratic campaigns.*

88.1% of the Montana over age 18 population were deemed legal voters in 2020. **EXHIBIT 1** This statistic is from the purchased 12/26/2020 Statewide Voter Registration Data and the 2020 Census. Due to the Executive Order all voters in the State Registration System were considered registered votes for the November 2020 election (ACTIVE, NON-ACTIVE, PROVISIONAL). The lack of Maintenance of the voter rolls has created bloated registrations numbers. A routine in-depth review of the state voter registration system should be in the purview of the legislature as they are constitutionally required to oversee the purity of the elections.

Citizens have paid thousands of dollars to obtain the Statewide Voter Registration records and spent countless hours researching the data. The findings point to integrity issues in the voter registration system, which is the gatekeeper to track legal voters; the foundation of the election process in Montana. These issues are not new and are cited in State audits findings dating back to 2007 (audit released in 2009) and still an issue in the August 2020 SOS Audit 19DP-06. **EXHIBIT 2**

The first part of the committee scope suggestion is to address Voter Registration Maintenance, statute vagueness/omissions and Zuckerberg money. In order to maximize limited resources, many of these questions may be answered by requesting information from the appropriate agencies or political subdivisions. The goal should be to develop consistent best practices. All information requested and obtained by the special election legislative committee regarding Zuckerberg grants, the Missoula review, voter registration maintenance information and correspondence to/from state agencies and political subdivisions should be provided as public information and easily accessible without charge.

### **Observations of the 12/26/2020 Montana Voter Rolls:**

17,560 voter ballots were undeliverable.

1398 undeliverable ballots were previously identified as provisional or inactive,

16,163 undeliverable ballots were identified as ACTIVE-- Review the residency/address verification and transfer to inactive/removal process.

71,954 Inactive voters were sent ballots How long do identified inactive voters stay on the voter registration system in Montana. Was any forensic follow up done on INACTIVE voters who voted?

Review all 2020 (eligibility dates) registered voters requesting (absentee) mail-in ballots and having an out of state mailing address. Determine if they are in fact Montana residents. (DMV records, tax records, property records)

### **Statewide Voter Registration and Maintenance issues**

1. Define **ELECTION FRAUD** in statute and specify consequences. Identify the protocol for election enforcement—best practice may be to have one enforcement agency who is responsible to investigate and prosecute irregularities. A central location should be established to collect election irregularity reports and post for public accessibility. This will track trends and vulnerabilities.

2. Investigate the duplicate votes. How does this occur? Who is responsible for discovering these? This information was provided to the SOS in February 2021 and requires follow-up.
3. The **November 2020** election results were updated on **9/10/21** showing an increase of 1,456 from the December 26, 2020 state registration data. Why? **EXHIBIT 3**
4. Voter file shows 24 voter files with voter eligibility dates of 1801 all from Prairie County. This information was provided to the SOS in February 2021.
5. Eligibility dates are inconsistent from county to county. In 2013, this was brought to the legislature and other than a report verifying it occurs, it continues to be an issue. **EXHIBIT 4** 226 Voters were sent ballots before the election, which were returned, processed and accepted but have eligibility dates after the election, even into December.
6. Request the following actual data from the SOS for the 2021 maintenance cycle;  
The voters removed during the 2021 maintenance cycle, including dead voters and their date of death.  
The voters moved from ACTIVE to INACTIVE Status—when was the last time a vote was cast.  
The PROVISIONAL voters remaining on the voter rolls—date of provisional status.
7. Determine how the data transfer of incarcerated persons court ordered mentally incapacitated persons are communicated to the counties. (Department of Corrections and Judicial Courts)
8. Determine how death record information is transmitted to the counties; is the format user friendly for the counties. DPHHS currently is charging citizens \$600 per year for death records, (public records), this is a deterrent for citizens to compare death records to the registration database
9. Zuckerberg CTCL grants: Require all counties to provide copies of the CTCL grant applications and the final reports to CTCL using the **EXHIBIT 5** survey or similar for consistency. Were any state laws violated regarding any of the expenditures?
10. Acquire and review tabulation machines contracts from every county. Who has access to the State Voter Registration Database; acquire and review the contract for the new State Voter Registration System.
11. Survey the County Election Administrators: Do they have the highest access clearance and capability to assign user definitions for the Tabulation Machines? Do the Tabulation Machine companies or contractors have any access to the tabulating machines and under what circumstances? Are the MOUs required in statute with the MT DOJ current? (MCA 13-2-107). Are the tabulations WIFI capable?
12. Explore how the news media nationwide has access, in real time, to Montana election results when tabulation machines “are not connected to the internet”. Are these actual counts or algorithms—how is instantaneous reporting produced? Should the news media “call” the elections in Montana?
13. Revise and expand the Post-Election Audit process. **EXHIBIT 6** All elections, school, municipal, tax issues should be required to have a post-election audit. Should counties that have a “possible” recount (usually a legislative district) be exempt from the post-election audit as they are currently? **EXHIBIT 7** Silver Bow County had 2 machines malfunction and brought in a new machine, due to a “possible” recount there was no audit.
14. Request the Ballot Inventory tracking and reconciliation system used by each county. The purpose is to develop a “best practice” procedure.
15. Request the registry of ballot collectors from the COPP **EXHIBIT 8** and Record of Delivery registry from the election administrators. 13-35-704 (Ballot Initiative 129 **EXHIBIT 9**) Why is this under the COPP? Is this required for all elections (municipal elections)?
16. Task a working committee to review laws for vagueness. Seek input from county election administrators and citizens (who have experience as election judges or election observers) on what statutes need clarity or revision and develop “best practices” procedures.
17. Develop and implement a forensic audit process, to be completed after all federal elections.
18. Review the election rules, do any of the rules need to be included as statute or eliminated.

Part two of the scope request is to allow the Missoula Voter Integrity group, without being required to sue Missoula County, to complete their review. This began as a fact-finding mission to discover weaknesses in the election statutes and became character assassination of citizens for daring to perform oversight.

In October of 2020, Missoula County was notified a citizen's group would be reviewing the 2020 election. Notice the date, this was before the results of November 2020 were known. The video recording of the election process which Missoula County stated existed was also requested, but never produced as it was eventually destroyed.

**MCA 13-1-109 states:** Unless specifically provided otherwise, all records pertaining to elector registration and elections are public records. They shall be open for inspection during regular office hours.

There is always catch with public records; the cost, these citizens PAID thousands of dollars to conduct the review. The only election records they were allowed to view were the mail-in ballot signature envelopes. They discovered 4000+ less envelopes than the reported ballot returns indicated—this was an all-mail in election, every ballot should have had an envelope.

### **Allow the Completion of the Missoula County Election Review**

1. Obtain the copies of the envelopes with what appears to be the same signature, all from the same facility. Determine if further investigation is required.
2. Determine which voters did not have signature envelopes.
3. Inspection of the November 2020 election absentee ballots applications, all Pre-filled absentee applications, and rejected absentee applications. Verify the signatures as compared to original registration signatures. If there is a secondary signature, determine if there is a difference. These should be preserved for further investigation. This allows for signature audits in a smaller sample. Citizens volunteers.
4. Compare the "inactive" accepted ballots, for signature verification compared to original registration signature. determine if there is a difference. These should be preserved for further investigation. This allows for signature audits in a smaller sample. Citizen Volunteers.
5. Missoula County is to provide the ballot reconciliation documentation. Number ordered, purchased, voided, mailed out, remaining, etc. Missoula County also had a ballot printing machine, provide the tracking of the ballots from this printer and the explanation for why this was used.
6. To keep within the monetary and finite scope of the committee, these reviews may require additional legislative oversight and should be viewed as a starting point not an ending point.

Many citizens have worked on election integrity for years and are a resource. Citizens have a vested interest as they live with the outcomes of elections. After reviewing the scope outcomes, the committee should decide if a special session is required to address necessary election integrity legislation.

# Voter Registration

Population Under 18 1,084,225  
(232,024)  
Eligible Voters\* 852, 201

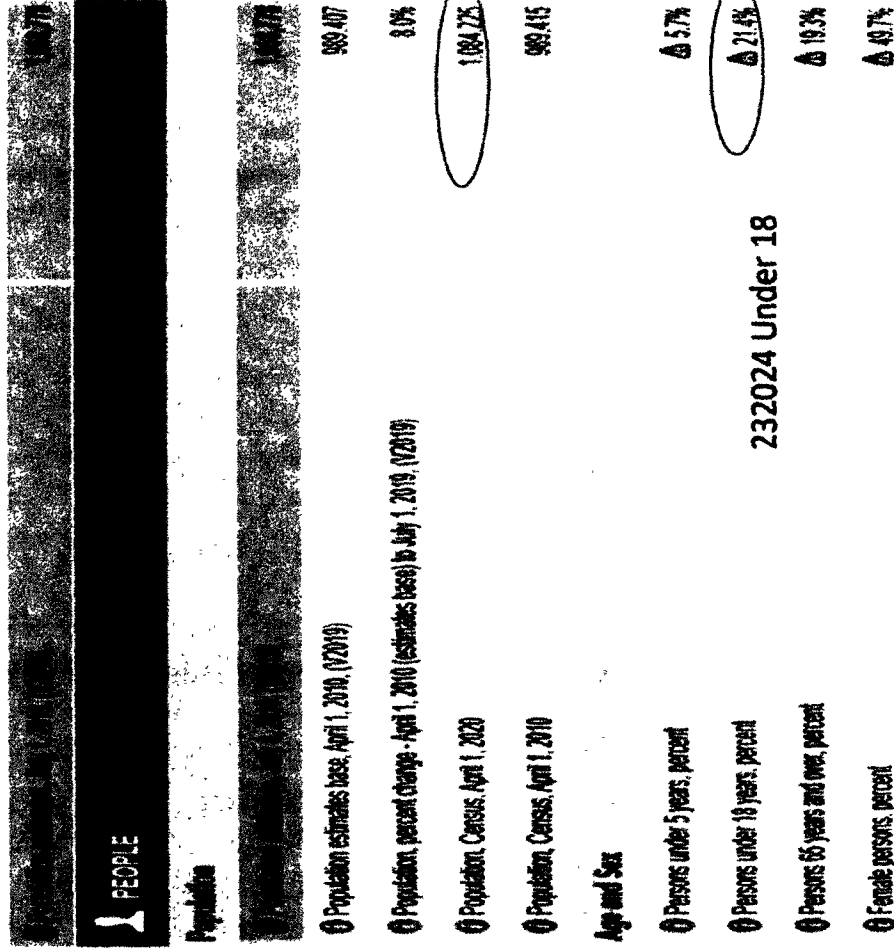
2020 Registered Voters 751,082\*  
72,481 Inactive and Provisional Voters were considered Registered voters for 2020.

88.12% of all adults in MT are registered to vote.

\*No Convicted Felons in Prison, mentally incapacitated individuals or non-citizens are taken into account, which would increase the percent of registered adults.

**\*Voters with Eligibility Dates After 11/3/2020 voted and were counted-- how accurate are the voter rolls**

\*Registered voter numbers from SOS list purchased 12/26/2020.



<https://www.census.gov/quickfacts/MT>



INFORMATION SYSTEMS AUDIT

19DP-06

REPORT SUMMARY

AUGUST 2020

MONTANA LEGISLATIVE AUDIT DIVISION

## Security and Maintenance of Montana Election Systems

THE OFFICE OF THE SECRETARY OF STATE

### BACKGROUND

Montana has a long history of election administration. In the early 1900s, the state began to centralize election administration under the Secretary of State. This centralization was a result of the state's small size and the need for a single authority to manage the state's elections. The Secretary of State's office has been responsible for election administration ever since.

Agency:  
The Office of the Secretary  
of State

Secretary of State:  
C. Steven Winters

Division:  
Elections

This information systems audit examined whether SOS is evaluating physical security and managing election risks, including the accuracy of the voter registration database. We found that, although SOS is making improvements to elections, further definitions are required to identify scope of election security and election security measurements. SOS can also improve success of future security initiatives by updating grant management practices, with potential oversight opportunities from the legislature. SOS provides counties the tools to manage the accuracy of voter registration and status changes, but our work found that SOS is not conducting state-level maintenance procedures where it is most efficient. These are needed to ensure changes are made in a timely manner and to identify potential training, system, or process improvements.

### KEY FINDINGS:

**Statute and rule do not define the scope of election security or align with best practices.** Due to the decentralized management of elections, counties need a consistent definition of security and a formal security assessment process. Current law lacks clarification of election security and rule does not specify security measures.

**Management of federal grants do not align with best practices.** SOS does not have performance measurements in place as outlined in grant management best practices. SOS does not have any controls in place to ensure federal grant funding is being used to meet objectives and goals of the grant.

**SOS does not have an Information Security Manager position to oversee all divisions within the department.** Since 2017, SOS has had a vacant Information Security Manager position that is necessary to independently oversee all aspects of security within an agency, including election security.

**The department does not have a state-level maintenance program in place to ensure accuracy and timeliness of voter registration statuses.** SOS relies on the county election administrators to update their residents voter status. Although SOS provides the resources and information, they are not verifying that status updates have occurred within a timely manner.

*(continued on back)*

For the full report or more  
information, contact the  
Legislative Audit Division.

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Legislative Audit Division  
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## RECOMMENDATIONS:

In this report, we issued the following recommendations:

To the office: 4

To the legislature: 1

### RECOMMENDATION #1 (PAGE 10):

Using industry standards and best practices, the Montana Legislature should define the scope of election security and mandate assessments at the local levels.

**Office response:** Concur

### RECOMMENDATION #2 (PAGE 12):

SOS should align the definition of election security within rule with statute and provide further guidance on necessary security measurements.

**Office response:** Concur

### RECOMMENDATION #3 (PAGE 16):

SOS should enhance the grant management program, including implementing measurable objectives, goals, and timelines while ensuring ongoing evaluation is occurring to measure success.

**Office response:** Concur

### RECOMMENDATION #4 (PAGE 21):


SOS should fill the vacant Information Security Manager position to ensure both election security and agency-wide security have consistent, independent, and comprehensive oversight.

**Office response:** Concur

### RECOMMENDATION #5 (PAGE 30):

SOS should implement between a state-level maintenance program to address timeliness and verification of voter status updates in the voter registration database.

**Office response:** Concur



CHRISTI JACOBSEN  
MONTANA SECRETARY OF STATE

SOS MY TRACKED  
HOME CONTESTS

2020  
GENERAL ELECTION -  
NOVEMBER 3, 2020

STATEWIDE VOTER  
TURNOUT

81.33%

Total Turnout  
Registered Voters: 752,538

PRECINCTS FULLY  
REPORTED

Partially 0  
Fully 100.0%

QUICK SEARCH

FED  
Federal

STATE  
Statewide

PSC  
Public Service  
Commission

SCJ  
State Supreme  
Court

JUD  
District Court  
Judge

SENATE  
State Senate

HOUSE  
State House

BQ  
Ballot Measures



LEGISLATIVE AUDIT DIVISION

Tori Hunthausen, Legislative Auditor  
Deborah F. Butler, Legal Counsel



Deputy Legislative Auditors:  
Cindy Jorgenson  
Angus Maciver

MEMORANDUM

TO: Tori Hunthausen, Legislative Auditor <sup>HA</sup>  
FROM: Torry van Slyke, Performance Auditor <sup>TSJS</sup>  
DATE: January 23, 2013  
SUBJECT: 2012 General Election Voter Registration, Legislative Request 13L-3651

The following summarizes information relating to the number of registered voters and the number of votes cast in the 2012 general election. To compile this information, we compared the Secretary of State's (SOS) official number of registered voters for the 2012 general election to the number of registration records in the Statewide Voter Registration System (SVRS).

SOS staff provided us with the official number of Montana voters registered for the 2012 general election, which comes from the official results counties submit to SOS during the post-election statewide canvass (See attached document.) The left column of data ("2012 general registered voters") is the official number of Montana residents, by county, eligible to vote in the 2012 general election.

We then obtained the actual database records of all Montana registered voters from the SVRS system, as of January 18, 2012. Each record (i.e., registered Montana voter) in the system includes a date the record was last modified. We compared the total number of records whose last modified date was on or before November 6, 2012 (Election Day) to the official number of registered voters, and found these two numbers of total registered voters differed by 0.02 percent.

According to SOS staff, discrepancies in numbers could be due to how counties manage their workflows. Voter registrations are often performed on written cards, and some counties may choose to enter voter registration information in SVRS after polls have closed, yielding a modified date in SVRS that may be different from when the voter actually registered. Additionally, the database records we reviewed also reflect changes in registration records made since Election Day.

The enclosed registration and voting data provided by SOS for the 2012 General Election appears to be accurate and reliable, based on review of the available SVRS registration records. As shown, there were no examples in which votes counted exceeded the number of registered voters in a county.

*S:\Admin\Correspondence\LegReq-13L-3651-15-Kary-memo.docx\dir*

Enclosure

## Election Grant Application and Funding Open Record Request

## Statutory Declaration

Elected Official overseeing elections: \_\_\_\_\_

Election Administrator: \_\_\_\_\_

Work Address: \_\_\_\_\_

County \_\_\_\_\_ State Montana

Did your county accept any funding from the Center for Tech and Civic Life or any other private or non-profit grants or monies during the 2020 election cycle or prior years.

Yes \_\_\_\_ If yes for 2020, complete the affidavit.

Were grants accepted in prior years? Yes \_\_ No \_\_ If Yes, what years? \_\_\_\_\_

No \_\_\_\_ If no, or grants were only accepted in prior years, sign and date the last page of the declaration and return it to \_\_\_\_\_

The following information is requested only for the 2020 election cycle if non-profit or private grants were accepted:

1. A. Provide the legal authority for accepting non-profit or private grants or monies for elections.
- B. Provide the vetting process to determine if the grant source was partisan.
- C. Provide the results of the vetting process of the grant source.

\_\_\_\_\_  
 \_\_\_\_\_

2. Who in your county authorized the acceptance of the grants? List all

Name _____	Title _____
Name _____	Title _____
Name _____	Title _____
Name _____	Title _____

Who in your county signed the grant application? List All

Name _____	Title _____
Name _____	Title _____

3. Provide a copy of the grant award(s) documents (grant sited above) for the 2020 Election Cycle
4. Provide the reconciliation of the grant expenditures. Screenshots from the county accounting system tracking and/or the grant reconciliation may be submitted.
5. Identify any items purchased; Included a complete description and receipts of item(s), all computer equipment, vehicles, drop boxes, etc any tangible item. Include the cost of each item, the vendor and any purchasing documents, ie title, computer registrations, etc
6. Identify any state agency, political subdivisions, organizations, or group which was a recipient of your county's grant(s) monies and the amounts received.  

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7. Did the grantor request reconciliation documents? Yes \_\_\_\_ No \_\_\_\_  
Provide the grantor documentation, stipulating no reconciliation was required. If it is stipulated in Grant Award document provided the reconciliation documents.  

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8. Did your county have any unspent grant money?  
Yes \_\_\_\_ Amount Remaining \_\_\_\_\_ No \_\_\_\_  
Disposition of any unspent grant money. \_\_\_\_\_
9. Provide the public disclosures documentation such as press releases of the grant award disclosing the origin, political affiliation of the grants and parameters of use prior to the election. If there was no public disclosure, explain why not?.  

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10. Did your county in any way participate in or facilitate in providing access or transmitting any data for use of a vote/ballot tracking app? If yes provide all correspondence regarding the app. Include the name and organization of the app creator/requestor.  

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11. Was your county contacted to provide or transmit information for a voter/ballot tracking app? If yes, proved all correspondence and documentation.  

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**2020 Federal General Post Election Audit:**  
**List of Counties, Precincts, and Offices Chosen**  
**Montana Secretary of State**  
**sosmt.gov • soselections@mt.gov**

**EXHIBIT 6**

#	County	Federal Office	State Office	Statewide Ballot Issue	Legislative District	Initial Precinct 1	Initial Precinct 2	Initial Precinct 3	Additional Precinct 1 <small>(Audited only if there is an unacceptable discrepancy in initial precinct(s))</small>	Additional Precinct 2 <small>(Audited only if there is an unacceptable discrepancy in initial precinct(s))</small>	Additional Precinct 3 <small>(Audited only if there is an unacceptable discrepancy in initial precinct(s))</small>
1	Beaverhead	U.S Rep	Superintendent of Public Instruction	LR-130	SD36	PREC_04			PREC_06	PREC_08	PREC_21
2	Big Horn	U.S Rep	Superintendent of Public Instruction	LR-130	SD21	17			7	9	26
3	Blaine	U.S Rep	Superintendent of Public Instruction	LR-130	HD32	Prec_10			Prec_01	Prec_03	Prec_09
4	Broadwater	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	Prec_13			PREC_1	PREC_11	PREC_12
5	Carbon	U.S Rep	Superintendent of Public Instruction	LR-130	HD58	003			004	009	011
6	Carter	U.S Rep	Superintendent of Public Instruction	LR-130	HD37	PREC_1			PREC_3	PREC_13	PREC_14
7	Cascade	U.S Rep	Superintendent of Public Instruction	LR-130	HD22	P1982	P228		P19A3	P19A4	P21A
8	Chouteau	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	Pct_09			Pct_03	Pct_06	Pct_07
9	Custer	U.S Rep	Superintendent of Public Instruction	LR-130	HD37	13-37			6-37	8-39	11-37
10	Dawson	U.S Rep	Superintendent of Public Instruction	LR-130	SD18	PREC_3			PREC_1	PREC_2	PREC_5
11	Deer Lodge	U.S Rep	Superintendent of Public Instruction	LR-130	HD78	PC_478W			PC_377W	PC_377N	PC-377S
12	Fergus	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	PREC_18			PREC_2	PREC_4	PREC_14
13	Flathead	U.S Rep	Superintendent of Public Instruction	LR-130	HD13	PREC_26	PREC_43	PREC_44	PREC_32	PREC_37	PREC_50
14	Gallatin	U.S Rep	Superintendent of Public Instruction	LR-130	HD63	638	64A		628	64C	688
15	Glacier	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	PCT 10			PCT 01	PCT 07	PCT 11
16	Granite	U.S Rep	Superintendent of Public Instruction	LR-130	HD77	PREC_2			PREC_1	PREC_9	PREC_10
17	Hill	U.S Rep	Superintendent of Public Instruction	LR-130	HD 28	PREC_13			PREC_01	PREC_18	PREC_21
18	Jefferson	N/A	N/A	N/A	N/A	N/A			N/A	N/A	N/A
19	Judith Basin	U.S Rep	Superintendent of Public Instruction	LR-130	HD30	PREC_2			PREC_1	PREC_3	PREC_4
20	Lake	U.S Rep	Superintendent of Public Instruction	LR-130	HD10	BEA 1	PAB 2		POL 1	POL 5	POL 6
21	Lewis & Clark	U.S Rep	Superintendent of Public Instruction	LR-130	SD40	P10	P14		P02	P09	P18
22	Liberty	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	2 PREC			1 PREC	3 PREC	4 PREC
23	Lincoln	U.S Rep	Superintendent of Public Instruction	LR-130	HD01	13 PREC			6 PREC	7 PREC	10 PREC
24	Madison	U.S Rep	Superintendent of Public Instruction	LR-130	SD36	15/1 PREC			5 PREC	7 PREC	15/2 PREC
25	Mineral	U.S Rep	Superintendent of Public Instruction	LR-130	SD07	25 PREC			22 PREC	26 PREC	30 PREC
26	Missoula	U.S Rep	Superintendent of Public Instruction	LR-130	HD90	CHIEF90	CLIN92	EVAR094	LOW95	RTSK91E	RUS99S
27	Mussetshell	U.S Rep	Superintendent of Public Instruction	LR-130	HD40	PREC_8			PREC_3	PREC_6	PREC_7
28	Park	U.S Rep	Superintendent of Public Instruction	LR-130	HD59	59A NPC			59D SPC	60EL SE	60GL SW
29	Petroleum	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	PREC_1					
30	Phillips	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	PCT 11N			PCT 11S		
31	Pondera	U.S Rep	Superintendent of Public Instruction	LR-130	HD17	Prec_19			Prec_24	Prec_29	Prec_34
32	Powell	U.S Rep	Superintendent of Public Instruction	LR-130	SD39	P_5.78			P_6.78	P_7.78	P_11.80
33	Ravalli	U.S Rep	Superintendent of Public Instruction	LR-130	SD44	21_PCT	24_PCT		07_PCT	12_PCT	23_PCT
34	Richland	U.S Rep	Superintendent of Public Instruction	LR-130	SD18	09			02	07	12
35	Roosevelt	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	10-34			15-31	18-31	28-34
36	Rosebud	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	PREC_21			PREC_3	PREC_6	PREC_17
37	Sanders	U.S Rep	Superintendent of Public Instruction	LR-130	SD07	#7			#1	#2	#6
38	Sheridan	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	4 PREC			3 PREC	5 PREC	6 PREC
39	Silver Bow	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
40	Stillwater	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	PREC_13			PREC_1	PREC_7	PREC_11
41	Sweet Grass	U.S Rep	Superintendent of Public Instruction	LR-130	HD59	PREC_3			PREC_1	PREC_4	PREC_5
42	Teton	U.S Rep	Superintendent of Public Instruction	LR-130	HD17	PREC_1			PREC_6	PREC_7	PREC_17
43	Toole	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	SHEL-R			KEVIN	SHE-CTY	SUNBRST
44	Valley	U.S Rep	Superintendent of Public Instruction	LR-130	N/A	34			31	33	
45	Wibaux	U.S Rep	Superintendent of Public Instruction	LR-130	SD18	1					
46	Yellowstone	U.S Rep	Superintendent of Public Instruction	LR-130	HD43	43.3	44.1	51.1	39.2	40.4	43.1

\*Jefferson County and Silver Bow County are exempt from the Post-Election Audit due to a possible recount in SD 38

 <b>2020 Federal General Post Election Audit Results:</b> <b>Montana Secretary of State</b> <b>sosmt.gov • saselections@mt.gov</b>			
	County	Selected Precincts	Issues
1	Beaverhead	PREC_04	No unexplained differences
2	Big Horn	17	No unexplained differences
3	Blaine	Prec_10	No unexplained differences
4	Broadwater	Prec_13	No unexplained differences
5	Carbon	003	No unexplained differences
6	Carter	PREC_1	No unexplained differences
7	Cascade	P19B2	No unexplained differences
		P22B	No unexplained differences
8	Chouteau	Pct_09	No unexplained differences
9	Custer	13-37	No unexplained differences
10	Dawson	PREC_3	No unexplained differences
11	Deer Lodge	PC_47BW	No unexplained differences
12	Fergus	PREC_18	No unexplained differences
13	Flathead	PREC_26	No unexplained differences
		PREC_43	No unexplained differences
		PREC_44	No unexplained differences
14	Gallatin	63B	No unexplained differences
		64A	No unexplained differences
15	Glacier	PCT_10	No unexplained differences
16	Granite	PREC_2	No unexplained differences
17	Bill	PREC_13	No unexplained differences
18	Jefferson *	N/A	N/A
19	Judith Basin	PREC_2	No unexplained differences
20	Lake	BEA_1	No unexplained differences
		PAB_2	No unexplained differences
21	Lewis & Clark	P10	No unexplained differences
		P14	No unexplained differences
22	Liberty	2 PREC	No unexplained differences
23	Lincoln	13 PREC	No unexplained differences
24	Madison	15/1 PREC	No unexplained differences
25	Mineral	25 PREC	No unexplained differences
26	Missoula	CHIEF90	No unexplained differences
		CLIN92	No unexplained differences
		EVARD94	No unexplained differences
27	Musselshell	PREC_8	No unexplained differences
28	Park	59A NPC	No unexplained differences
29	Petroleum	PREC_1	No unexplained differences
30	Phillips	PCT_11N	No unexplained differences
31	Pondera	Prec_19	No unexplained differences
32	Powell	P_5.78	No unexplained differences
33	Ravalli	21 PCT	No unexplained differences
		24 PCT	No unexplained differences
34	Richland	09	No unexplained differences
35	Roosevelt	10-34	No unexplained differences
36	Rosebud	PREC_21	No unexplained differences
37	Sanders	#7	No unexplained differences
38	Sheridan	4 PREC	No unexplained differences
39	Silver Bow *	N/A	N/A
		N/A	N/A
		N/A	N/A
40	Stillwater	PREC_13	No unexplained differences
41	Sweet Grass	PREC_3	No unexplained differences
42	Teton	PREC_1	No unexplained differences
43	Toole	SHEL-R	No unexplained differences
44	Valley	34	No unexplained differences
45	Wibaux	1	No unexplained differences
46	Yellowstone	43.3	No unexplained differences
		44.1	No unexplained differences
		51.1	No unexplained differences

\*Jefferson and Silver Bow Counties are exempt from the Post-Election Audit due to a possible recount in SD 38

**EXHIBIT 7**

<https://www.montanarightnow.com/tncms/asset/editorial/62d68c06-1e38-11eb-9665-3b04561803fe/>

## **Ballot machines go down in Butte-Silver Bow County**

**Megan Lewis KFBB/KHBB News Director  
Nov 3, 2020**

**Secretary of State Corey Stapleton has told Montana Right Now, two ballot machines have 'gone down' in Butte-Silver Bow County. It has slowed the counting process down.**

**Stapleton told our reporter at the Capitol Building, a new machine is on it's way and things should be back to normal soon.**

**meganlewis**

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 2019-2021  
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OFFICE OF PUBLIC INSTRUCTION  
 STATE OF MONTANA

Putting Montana Students First **A**



March 20, 2019

**TO:** School District Clerks, Election Administrators

**FROM:** Nicole Thuotte, School Finance Specialist

**RE:** Notice of important changes in mail and absentee ballot collection requirements pursuant to the Montana Ballot Interference Prevention Act

Important changes in mail and absentee ballot collection requirements are effective for the May 7, 2019 election and continue into future elections. This information is meant to give further details about the guidance issued by the Montana Secretary of State's office, relating to elections run by school district officials.

**New Requirements**

Ballot initiative LR 129 was passed in the November 2018 general election. Now codified in §§ 13-35-701 through 705, MCA and known by the short title "Montana Ballot Interference Prevention Act", the law limits the return of ballots by an individual other than the voter. To return a ballot for another person, an individual must meet one of the following relationship definitions:

- **Acquaintance:** An individual known by the voter;
- **Caregiver:** An individual who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living home, residential care institution, adult day health care facility, or adult foster care home;
- **Family Member:** An individual who is related by blood, marriage, adoption or legal guardianship;
- **Household Member:** An individual who resides at the same residence as the voter.

An individual meeting these requirements is allowed to return no more than **6 (six) ballots** per election. For each ballot returned, the ballot collector (individual returning the ballot) must sign a registry, using the registry prescribed by the Secretary of State's office. This registry must be filed by election, then by the ballot collector's last name. If the ballot collector returns other ballots for the same election, a new registry is signed and filed alphabetically with the other(s).

Additionally, all registry forms must be emailed to the Office of the Commissioner of Political Practices each week, in compressed PDF format, at [copballot@mt.gov](mailto:copballot@mt.gov).

### **Office of Public Instruction (OPI) Recommendations**

The following are suggestions for implementation of the above requirements. Districts may choose other implementation methods that meet the requirements of the law:

- Ballot boxes should NEVER be left unattended. All ballot boxes should be clearly marked with a notice regarding ballot collection. The OPI has developed a notice for districts to use.
- Anyone in the district who will be responsible for collecting ballots, including those who are manning deposit boxes, should be deputized as election officials. Anyone not deputized as an election official and who accepts ballot on behalf of an individual, becomes a ballot collector.
- It is highly recommended that the district logs all ballots received, and identify how each ballot is received (e.g., add a column to the voter list for "method of return" and use "E" for returned by elector, "M" for returned by mail, and "C" for collected by another individual).
- Ask each individual returning a ballot whose ballot they are returning. If the ballot is not theirs they are required to sign the registry.
- If an individual returning a ballot refuses to sign the registry, or does not meet one the acceptable relationships, accept the ballot and report the violation to the MT Commissioner of Political Practices. If you do not have the individual's name, record as much information as possible (height, weight, hair color, vehicle information, etc.).
- Let other district employees know about the new ballot collection requirements. If anyone accepts a ballot from someone with whom they do not have an acceptable relationship, they are in violation of the law, and must be reported to the MT Commissioner of Political Practices.
- It is recommended that the district post notices of the new requirements on all ballot boxes, in areas where ballot boxes are located, and in all polling locations.

Link to Forms:

Ballot Collection Registry Form:

<https://sosmt.gov/Portals/142/Elections/Documents/2019-BallotCollectionRegistry1.pdf>

Ballot Interference Prevention Act Complaint Form:

<https://politicalpractices.mt.gov/Portals/144/2019%20Communication%20assets/PDFs%20for%20website/Fillable%20Ballot%20Interference%20Prevention%20Act%20Complaint%20Form.pdf?ver=2019-03-12-152127-720>



**BALLOT LANGUAGE FOR LEGISLATIVE REFERENDUM NO. 129 (LR-129)**

**LEGISLATIVE REFERENDUM NO. 129**

**AN ACT REFERRED BY THE LEGISLATURE**

**AN ACT ESTABLISHING THE MONTANA BALLOT INTERFERENCE PREVENTION ACT; PROHIBITING THE COLLECTION OF ANOTHER INDIVIDUAL'S BALLOT; PROVIDING EXCEPTIONS; REQUIRING CERTAIN INDIVIDUALS WHO ARE AUTHORIZED TO COLLECT BALLOTS TO PROVIDE CERTAIN INFORMATION WHEN DELIVERING THE BALLOT TO A POLLING PLACE OR ELECTION ADMINISTRATOR'S OFFICE; PROVIDING PENALTIES AND DEFINITIONS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

The 2017 Legislature has submitted this proposal for a vote. LR-129 prohibits a person from collecting another voter's ballot, with certain exceptions. The prohibition would not apply to an election official, postal worker, caregiver, family member, household member, or an acquaintance. Any such individuals that are caregivers, family members, household members or acquaintances would be required to sign a registry at the polling place or the election administrator's office when delivering the ballot and are required to provide the following information: the individual's name, address, and phone number; the voter's name and address; and the individual's relationship to the voter. An individual who violates any provision within LR-129 could be fined \$500 for each ballot unlawfully collected.

☐ YES on Legislative Referendum LR-129

☐ NO on Legislative Referendum LR-129